

Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: October 31, 1996.

Stanley L. Laskowski,

*Acting Regional Administrator, Region III.*

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Part 52, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

#### Subpart V—Maryland

2. Section 52.1075 is amended by revising the heading and adding paragraph (c) to read as follows:

##### **§ 52.1075 1990 base year emission inventory.**

\* \* \* \* \*

(c) EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventories for the Maryland ozone nonattainment areas: Baltimore nonattainment areas, Cecil County, and Kent and Queen Anne's Counties submitted by the Secretary of Maryland Department of Environment on March 21, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO<sub>x</sub>).

[FR Doc. 96–30476 Filed 12–2–96; 8:45 am]

BILLING CODE 6560–50–P

#### 40 CFR Part 52

[Region II Docket No. 144, NY21–1–6732(c); FRL–5657–8]

#### **Approval and Promulgation of Implementation Plans; New York; Withdrawal of Direct Final Rule Regarding Transportation Control Measures**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** On October 1, 1996, EPA published approval of a State Implementation Plan (SIP) revision submitted by New York (61 FR 51214), which addressed the need for transportation control measures (TCMs) to offset growth in emissions from growth in vehicle miles traveled as required by the Clean Air Act. This action was published without prior proposal because EPA anticipated no adverse comments. Because EPA received adverse comments on this action, EPA is withdrawing the approval of New York's request to revise its SIP for ozone, announced in the October 1, 1996 direct final rule. EPA will now proceed with rulemaking based on a proposed rule pertaining to the same TCMs, which was published on the same date (61 FR 51257).

**EFFECTIVE DATE:** This action is effective December 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Linda Kareff, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007–1866, (212) 637–3741 or [kareff.linda@epamail.epa.gov](mailto:kareff.linda@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** On October 1, 1996, EPA published direct final approval of a revision to New York's SIP for ozone, submitted by New York on November 15, 1992 and supplemented on November 5, 1993 (61 FR 51215). The intended effect of this action was to address the need for TCMs to offset growth in emissions from growth in vehicle miles traveled as required by the Clean Air Act. EPA published this direct final rulemaking without prior proposal because the Agency viewed it as a noncontroversial revision and anticipated no adverse comments. The direct final rule was published in the Federal Register with a provision for a 30 day comment period.

A proposed rule pertaining to the same TCMs for New York was also published in the Federal Register on October 1, 1996 (61 FR 51257). EPA announced that the direct final rule would be withdrawn in the event that

adverse comments were submitted to EPA within 30 days of publication of the rule in the Federal Register (61 FR 51214). EPA received adverse comments. Therefore, EPA is withdrawing the October 1, 1996 direct final approval of New York's SIP revision. Comments received during the 30 days after October 1, 1996 will be addressed in a subsequent rulemaking action based on the proposed rule. As stated in the October 1, 1996 notice, this withdrawal action does not establish an additional comment period.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen Oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 20, 1996.

Herbert Barrack,

*Acting Regional Administrator.*

For the reasons set out in the preamble, 40 CFR Part 52 is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

#### Subpart HH—New York

##### **§ 52.1683 [Amended]**

2. Section 52.1683 is amended by removing paragraph (c).  
[FR Doc. 96–30750 Filed 12–2–96; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. 1; Amdt. 1–279]

#### **Organization and Delegation of Powers and Duties Delegations of Authority to the Maritime Administrator**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final Rule.

**SUMMARY:** The Secretary of Transportation (Secretary) hereby delegates to the Maritime Administrator authority of the Secretary from the Maritime Security Act of 1996, Public Law 104–239. This amendment adds a new paragraph 1.66(v) to reflect this delegation of authority.

**EFFECTIVE DATE:** This rule becomes effective December 6, 1996.